

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NICHOLAS SAMPSON, )  
Plaintiff, ) 8:07CV155  
vs. ) ORDER  
INVESTIGATOR EARL SCHENK, et al., )  
Defendants. )

This matter is before the court after a telephone conference with the parties on December 12, 2012, regarding progression of this case. Maren L. Chaloupka represented the plaintiff. Stephanie A. Caldwell, Kimberly K. Sturzenegger, and Diane M. Carlson represented the parties. David W. Kofoed represented himself. Based on the conference,

**IT IS ORDERED:**

1. The defendants shall have until **January 8, 2013**, to file a motion seeking consolidation of this case with the case of *Livers v. Schenck, et al.*, 8:08CV107, for the purpose of trial pursuant to Fed. R. Civ. P. 42(a). The plaintiff shall have to **on or before January 18, 2013**, to file a response. The defendants shall have five days from the plaintiff's response to file a reply.

2. Expert Witnesses. The defendants shall have to **on or before January 15, 2013**, to disclose the identity of any expert witness upon whom such party intends to rely for trial. The defendants shall have to **on or before February 1, 2013**, to serve all opposing parties with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Federal Rules of Evidence 702, 703, or 705.

3. The court will hold a **telephone conference on January 25, 2013, at 3:00 p.m., C.S.T.**, for the purpose of reviewing the preparation of the case to date and scheduling the case to trial. Plaintiff's counsel shall initiate the conference with the undersigned magistrate judge and participating counsel in this matter and counsel in *Livers v. Schenck, et al.*, 8:08CV107.

DATED this 12th day of December, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge